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## **CHAPTER 14**

### **Educational and Cultural Issues**

#### **A. CULTURAL PROPERTY: IMPORT RESTRICTIONS**

In 2013, the United States took steps to protect the cultural property of Belize and Cambodia by imposing or extending import restrictions on certain archaeological material from those countries. These actions were based on determinations by the Department of State's Bureau of Educational and Cultural Affairs that the statutory threshold factors permitting entry into an agreement were met, or that the factors permitting entry into the initial agreement still pertained and that there was no cause for suspension of the agreement. 19 U.S.C. §§ 2602 (a)(1) and (e), respectively. In 2013, the United States entered into one agreement and extended another pursuant to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property ("Convention"), to which the United States became a State Party in 1983, and pursuant to the Convention on Cultural Property Implementation Act, which implements parts of the Convention. See Pub. L. No. 97-446, 96 Stat. 2350, 19 U.S.C. §§ 2601–2613 ("the Act"). If the requirements of 19 U.S.C. § 2602(a)(1) are satisfied, the President has the authority to enter into or extend agreements to apply import restrictions for up to five years on archaeological or ethnological material of a nation which has requested such protections and which has ratified, accepted, or acceded to the Convention. Pursuant to 19 U.S.C. §§ 2603 and 2604, the President may also determine that an emergency condition applies with respect to the archaeological and/or ethnological material of a State Party and apply import restrictions with respect to such material.

#### **1. Belize**

On February 27, 2013, the Government of the United States of America and the Government of Belize entered into a Memorandum of Understanding ("MOU"), effective for five years, to protect categories of archaeological material from the Pre-

ceramic Period to the late Colonial Period, from 9,000 B.C. to 250 years ago. The text of the MOU is available at <http://eca.state.gov/cultural-heritage-center/cultural-property-protection/bilateral-agreements>. Effective March 5, 2013, U.S. Customs and Border Protection (“CBP”) of the Department of Homeland Security and the Department of the Treasury imposed import restrictions on certain archaeological material from Belize pursuant to the MOU. 78 Fed. Reg. 14,183 (Mar. 5, 2013). The State Department issued a media note on March 5, 2013 announcing the signing of the MOU, available at [www.state.gov/r/pa/prs/ps/2013/03/205661.htm](http://www.state.gov/r/pa/prs/ps/2013/03/205661.htm). The media note includes the following:

...This MOU demonstrates a commitment by both governments to staunch the pillage and illicit trafficking of Belize’s archaeological heritage of African, indigenous Maya, Spanish, and British influences.

The Government of Belize requested this agreement under Article 9 of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. The Convention offers a framework of cooperation among State Parties to reduce the further pillage of intact archaeological sites and ethnological objects.

With this MOU, the United States now has agreements with Belize, El Salvador, Guatemala, Honduras, and Nicaragua in Central America, promoting a regional approach to combating pillage and trafficking of cultural property. ...

## **2. Cambodia**

Effective September 19, 2013, the United States and Cambodia further amended and extended for five years the MOU between the Government of the United States of America and the Government of the Kingdom of Cambodia Concerning the Imposition of Import Restrictions on Archaeological Material from Cambodia from the Bronze Age through the Khmer Era. Cooperation to protect the cultural property of Cambodia began in 1999 when the United States implemented emergency import restrictions to address the pillage of Cambodia’s rich archaeological heritage and the illicit trafficking in such material. In 2003, the United States and Cambodia then entered into a cultural property MOU, which was first amended and extended in 2008. See *Digest 2003* at 821, 823–25; *Digest 2008* at 729–30. The text of the 2013 MOU and the diplomatic notes exchanged in 2013 to further amend and extend the MOU are available at <http://eca.state.gov/cultural-heritage-center/cultural-property-protection/bilateral-agreements>. See also the September 16, 2013 Department of State media note, available at [www.state.gov/r/pa/prs/ps/2013/09/214273.htm](http://www.state.gov/r/pa/prs/ps/2013/09/214273.htm). The Department of Homeland Security (*i.e.*, CBP) and the Department of the Treasury further extended the import restrictions imposed previously with respect to certain archaeological materials from Cambodia. 78 Fed. Reg. 56,832 (Sept. 16, 2013).

**B. SYRIA**

In a September 23, 2013 press statement, available at [www.state.gov/r/pa/prs/ps/2013/09/214549.htm](http://www.state.gov/r/pa/prs/ps/2013/09/214549.htm), the Department of State announced the launch of an “Emergency Red List of Syrian Cultural Objects at Risk.” The Red List was developed by the International Council of Museums (“ICOM”), in collaboration with the Department of State, to respond to the widespread looting of museums and archaeological sites in Syria and to help authorities identify Syrian objects that may be protected by national or international law. In the context of the ongoing civil war in Syria, there have been widespread destruction and looting of sites and monuments that have been preserved for millennia, placing Syria at risk of losing a cultural legacy of universal importance.

**C. PRESERVATION OF AMERICA’S HERITAGE ABROAD**

The Commission for the Preservation of America’s Heritage Abroad (“the Commission”) is an independent agency of the U.S. government established in 1985 by § 1303 of Public Law 99-83, 99 Stat. 190, 16 U.S.C. § 469j (1985). Among other things, the Commission negotiates bilateral agreements with foreign governments in Central and Eastern Europe and the former Soviet Union to protect and preserve cultural heritage. The agreements focus on protection of communal properties that represent the cultural heritage of groups that were victims of genocide during World War II. The website of the Commission describes these bilateral agreements, and refers to efforts to negotiate additional agreements, at [www.heritageabroad.gov/Agreements.aspx](http://www.heritageabroad.gov/Agreements.aspx). For additional background, see II Cumulative Digest 1991–1999 at 1793–94.

**Cross References**

*Syria*, Chapter 17.B.1. and Chapter 19.F.1.